

EXHIBIT 18

From: Winn, Sara (USAVAW) <Sara.Winn@usdoj.gov>
Sent: Monday, June 29, 2020 1:10 PM
To: Siegel, Joshua
Cc: Richer, Amber (CIV); Bubar, Daniel (USAVAW); Bockhorst, Jennifer (USAVAW); Padmanabhan, Kartic (OGC) (FBI); karen.m.lee@cbp.dhs.gov
Subject: FW: United the Right Rally and RAM Documents

[External]

Josh, Thank you for speaking with Amber and me this morning.

Based upon our conversation, we understand that you are still requesting the following two categories of information with respect to what you have referred to as the Fields and RAM defendants:

Category 1 ("Fields"):

From FBI -- (1) data from phone, computer, or other electronic devices the FBI collected from Fields; (2) Field's social media information the FBI obtained directly from Facebook; and (3) Field's emails the FBI obtained directly from gmail.

From BOP -- you also referenced (for the first time of Friday 6-26-20) recordings of Field's phone calls from inside federal prison but understand that request is outside the scope of this subpoena and requires a *Touhy* request to the Federal Bureau of Prisons.

Category 2 ("Daley"):

From FBI -- (1) data the FBI collected from Daley's cell phone; (2) Daley's social media information the FBI obtained directly from Facebook; and;

From CBP -- report written by DHS/CBP from their interview with Daley.

If this understanding is incorrect, please advise immediately so the agencies can make the necessary assessments without delay.

As discussed, with respect to Category 1, the FBI responded to your 2019 subpoena by denying the request. With respect to Category 2, the CBP responded to your 2020 subpoena by denying the request. We will continue to discuss your request with the FBI, which will issue a response to your 2020 subpoena for the Category 2 information.

In the meantime, as discussed, although you stated that you have not attempted to obtain the requested social media information from a third-party vendor, we note that a quick Internet search yielded several search results for social media archiving companies such as Smash.com, Archivesocial.com, and Pagefreezer.com. We would refer you to those sources.

Thank you.

Sara.

Sara Bugbee Winn
Assistant United States Attorney
Cell 540-293-2235

From: Winn, Sara (USAVAW) <SWinn@usa.doj.gov>
Sent: Monday, June 29, 2020 10:25 AM
To: Siegel, Joshua <jsiegel@cooley.com>; Richer, Amber (CIV) <amricher@CIV.USDOJ.GOV>
Subject: FW: United the Right Rally and RAM Documents

Sara Bugbee Winn

From: Michael Bloch <mbloch@kaplanhecker.com>
Sent: Friday, March 20, 2020 11:55 PM
To: Winn, Sara (USAVAW) <SWinn@usa.doj.gov>
Cc: Siegel, Joshua <jsiegel@cooley.com>; Withers, Nancy (USAVAW) <NWWithers@usa.doj.gov>; Bubar, Daniel (USAVAW) <DBubar@usa.doj.gov>; Mills, David <dmills@cooley.com>; Padmanabhan, Kartic (OGC) (FBI) <KPADMANABHAN@fbi.gov>; karen.m.leeb@cbp.dhs.gov
Subject: RE: United the Right Rally and RAM Documents

Sara, thanks very much. I look forward to your response.

I don't believe I received any response from CBP, however. Is there a contact there I could reach out to?

Hope you're staying safe!

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mbloch@kaplanhecker.com

From: Winn, Sara (USAVAW) <Sara.Winn@usdoj.gov>
Sent: Monday, March 16, 2020 10:57 AM
To: Michael Bloch <mbloch@kaplanhecker.com>
Cc: Siegel, Joshua <jsiegel@cooley.com>; Withers, Nancy (USAVAW) <Nancy.Withers@usdoj.gov>; Bubar, Daniel (USAVAW) <Daniel.Bubar@usdoj.gov>; Mills, David <dmills@cooley.com>; Padmanabhan, Kartic (OGC) (FBI) <KPADMANABHAN@fbi.gov>; karen.m.leeb@cbp.dhs.gov
Subject: RE: United the Right Rally and RAM Documents

Hello Michael and thank you for this additional detail. We understand CBP has sent a response to your request for their documents based on their Touhy regulations. We will be issuing a response with regard to the FBI documents requested below based on the DOJ Touhy regulations. Considering the complications presented by the coronavirus there may be some unavoidable delays in issuing our response, but we recognize you have a discovery deadline in July and will do everything we can to process your request expeditiously. Thank you in advance for your patience. Sara.

Sara Bugbee Winn

From: Michael Bloch <mbloch@kaplanhecker.com>
Sent: Friday, March 13, 2020 9:00 PM
To: Winn, Sara (USAVAW) <SWinn@usa.doj.gov>
Cc: Siegel, Joshua <jsiegel@cooley.com>; Withers, Nancy (USAVAW) <NWWithers@usa.doj.gov>; Bubar, Daniel (USAVAW)

<DBubar@usa.doj.gov>; Mills, David <dmills@cooley.com>; Padmanabhan, Kartic (OGC) (FBI)

<KPADMANABHAN@fbi.gov>; karen.m.lee@cbp.dhs.gov

Subject: RE: United the Right Rally and RAM Documents

Sara, my apologies for the delay. Responses to your additional questions are below. In an effort to streamline this process and hopefully reach agreement, we have pared down the requests substantially:

1. The interview reports we seek in request Nos. 1 and 2.

Request No. 1. We seek the report(s) associated with Benjamin Daley's interview conducted by Customs and Border Protection officers referenced in Rundo Complaint ¶ 16. Upon information and belief, that report discusses critical representations made by Mr. Daley concerning the Unite the Right Rally in Charlottesville on August 11 and 12, 2017.

Request No. 2. We will withdraw this request.

2. The cell phone data we seek in request No. 3.

We request the following phone data, (all of which was presumably collected from the "several digital devices" referenced in Rundo Complaint ¶ 6 n.1):

- The March 25, 2017 text messages between Daley and "another RAM member" in which Daley wrote, "Front page of the stormer we did it fam." (See Rundo Complaint ¶ 29.)
- The March 27, 2017 text messages between Eason and Miselis in which Eason invited Miselis "to the rally in Berkeley on April 15, 2017," including (1) the message in which Eason wrote, "It's Aaron from the HB rally. I wanted to let you know that the organizers of the free speech rally at Berkeley on April 15 are paying for rooms for our guys. . . . We're expecting about 15 solid guys in our caravan coming up from So Cal and we can accomodate [sic] as many as you can give. Quality only of course. If you have good people who aren't cut out for security, the organiziers [sic] are looking for people to fill roles like photography. Anyone who doesn't come will wish they had. Oh and we have hand to hand and formation fighting training in San Clemente this Saturday. It's not required, but we'd like to get everyone we can there." (See Rundo Complaint ¶ 32.)
- The March 27, 2017 text messages between Daley and Miselis in which Daley invited Misels "to the Berkeley rally," Miselis replied, "Right on, Aaron from the rally mentioned some folks were going up. I'll drop the line on our end and see if anyone else can make it," and Daley responded, "Preciate [sic] we need all heads we can get." (See Rundo Complaint ¶ 33.)
- The March 29, 2017 text messages between Eason and Miselis in which Eason wrote, "Training is a go. Saturday at 11 am. Marblehead Park, San Clemente. . . . We'll probably have equipment for shield and stick training and our formation tactics ready." (See Rundo Complaint ¶ 34.)
- The April 12, 2017, text messages between Daley and Miselis in which Daley wrote, "Got a 11 van reserved for Friday. Asking everyone to kick in 20 or 40. Thinking of leaving around 1130. Does that time work for you?" and Miselis replied, "Absolutely." (See Rundo Complaint ¶ 35.)
- The April 16, 2017 text messages between Miselis and "another RAM member" referencing "a video showing Miselis at the Berkeley event," including the messages in which (1) Miselis wrote, "Hell yeah man. I was about to jump into that but our guys were just wrecking them, like not even any room to get a hit in. I was like alrite, u guys got it handled then lol," (2) Miselis described "how one of the guys 'up their fighting with us . . . was pretty based too, apparently he hit an antifa so hard he dislocated his shoulder,'" (3) Miselis wrote, "I've been dealing with my hand all day. Just found a video on that site where you can see me breaking it on a guys head lol," (4) "the other RAM member" responded, "I've been looking at videos. There's a grey-shirted storm trooper at the

fucking front every, single, time. You guys were lions,” and (5) Miselis replied, “Total Aryan victory.” (See Rundo Complaint ¶ 43.)

- The April 21, 2017 text messages between Eason and Miselis in which Eason “ask[ed] if [Miselis’s] broken hand was strong enough to attend another event at Berkeley on April 27,” and wrote, “I’m driving up to deny antifa a face-saving victory.” (See Rundo Complaint ¶ 44.)
- The text messages reflecting that “between April and August 2017, RAM members engaged in regular combat training sessions and attended additional political events where they confronted counter-protestors and others who do not share their ideology,” including the June 13, 2017 text message exchange between Ben Daley and an associate in which Daley wrote, “We smashed some antifa as they were leaving,” and “[W]ould’ve been no victory in Huntington or Berkeley” without white nationalists. (See Rundo Complaint ¶ 49.)
- The July 25, 2017 text messages between Rundo and Miselis in which Rundo wrote, “Hey, if you can get in touch with ben, I may have a place for you guys to stay in Charlottesville.” (See Rundo Complaint ¶ 52.)
- The “RAM members text messages” reflecting that “RAM members continued to engage in regular combat training sessions and post photographs and videos on social media promoting their assaults at prior rallies,” including (1) the September 25, 2017 text message exchange between Eason and Miselis in which Eason wrote he was ready “to go hard with activism” and Miselis replied, “[F]or the time being I think everyone is laying a little low on account of [Charlottesville] fallout,” and (2) the November 2017 text exchange between Rundo and Miselis “about creating a video promoting RAM.” (See Rundo Complaint ¶ 54-56.)

3. The status of our efforts to get overlapping information from other sources.

Facebook. We subpoenaed Facebook for various relevant defendant and third-party accounts, including Ben Daley’s, in June 2019. Facebook will not attempt to locate accounts for which we cannot provide a unique account ID or URL or affiliated email address or phone number. We have not been able to do so for Ben Daley. Facebook also informed us last month that accounts it suspended for violating its policies and accounts the holder personally deleted have been permanently erased from Facebook’s servers. Thus even if we could provide Facebook with sufficient identifying information for Ben Daley’s account, Facebook may no longer maintain any of his account data. Finally, Facebook will not agree to produce any account data unless the account holder provides an SCA consent. We do not have Ben Daley’s SCA consent.

Cell Phone Data. We are unaware of any other source for the electronic content of a cell phone within the custody of law enforcement. Even if we were able to identify the relevant individuals’ phone numbers and service providers, which as yet we have not been able to do, we cannot obtain this information through a third-party subpoena on the cell phone service providers, who typically do not store and will not provide the content of its customers’ communications.

Customs and Border Patrol Reports. These reports were provided to the expert retained by the prosecutors who prosecuted the Rundo case in the Central District of California. We sought permission from those prosecutors to obtain the report from the expert. Those prosecutors deferred that question to the prosecutors responsible for the RAM prosecution in the Western District of Virginia.

Please let me know if you have any other questions. Thanks.

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mbloch@kaplanhecker.com

From: Winn, Sara (USAVAW) <Sara.Winn@usdoj.gov>

Sent: Monday, February 24, 2020 9:53 AM

To: Michael Bloch <mbloch@kaplanhecker.com>

Cc: Siegel, Joshua <jsiegel@cooley.com>; Withers, Nancy (USAVAW) <Nancy.Withers@usdoj.gov>; Bubar, Daniel (USAVAW) <Daniel.Bubar@usdoj.gov>; Mills, David <dmills@cooley.com>; Padmanabhan, Kartic (OGC) (FBI) <KPADMANABHAN@fbi.gov>; karen.m.lee@cbp.dhs.gov

Subject: RE: United the Right Rally and RAM Documents

Thank you Mike. It was a pleasure to speak with you and your team last week, and thank you for this further information. Would you also detail the following:

1. The 8 interview reports you seek in paragraphs 1 and 2;
2. The parts of Mr. Daley's phone you seek in paragraph 3; and
3. The status of your efforts to get overlapping information from other sources.

Regards, Sara.

Sara Bugbee Winn

From: Michael Bloch <mbloch@kaplanhecker.com>

Sent: Friday, February 21, 2020 11:59 PM

To: Mills, David <dmills@cooley.com>; Winn, Sara (USAVAW) <SWinn@usa.doj.gov>

Cc: Siegel, Joshua <jsiegel@cooley.com>; Withers, Nancy (USAVAW) <NWithers@usa.doj.gov>

Subject: RE: United the Right Rally and RAM Documents

Thank you all for the call this week. As discussed, I write to confirm the following:

Regarding our document request No. 4, we agree to narrow our request to remove references to Twitter and YouTube. We also clarify that we are requesting the following social media account data:

- Facebook message by Daley wherein he admitted: "We had them completely surrounded. I hit like 5 people" in reference to the torch light march of August 11, as referenced in ¶ 21 the Affidavit in Support of Arrest Warrant and Criminal Complaint in United States v. Benjamin Drake Daley, 18-CR-00025 filed in the Western District of Virginia.
- Private Facebook messages sent by Ben Daley in or around June 2017 which discuss RAM being "originally branded as the 'DIY DIVISION,' but formally rebranded to the Rise Above Movement in 2017." (See Rundo Complaint ¶ 9.)
- The contents of Daley's Facebook page that were reviewed by Agent Scott Bierwerth pursuant to a search warrant issued on April 4, 2018 from Hon. Joel C. Hoppe, Western District of Virginia. (See Rundo Complaint ¶ 9 n.2, which does not provide a date for that Facebook data.)
- Private Facebook messages between Daley and an unnamed associate dated August 25, 2017 in which they discuss meeting up "in LA area" and "the 80s in that style of nationalism." (See Rundo Complaint ¶ 13.)
- Private Facebook messages between Daley and an unnamed associate from January 2018 in which Daley advises to "be mindful of saying anything that could be misconstrued as a call to violence." (See Rundo Complaint ¶ 13.)
- Private Facebook messages between Daley and an unnamed associate dated June 1, 2017, in which Daley references stealing "yevet farlarkas banner," the associate says "that subhuman professor from CA . . . she needs the rope," and "My boy supposedly kicked her in the face." (See Rundo Complaint ¶ 46.)

Regarding our document request No. 5, we confirm that we cannot find on YouTube the RAM video mentioned in ¶ 56 of the Rundo Complaint.

Thanks very much.

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mbloch@kaplanhecker.com

From: Mills, David <dmills@cooley.com>

Sent: Thursday, February 13, 2020 3:54 PM

To: Winn, Sara (USAVAW) <Sara.Winn@usdoj.gov>

Cc: Bubar, Daniel (USAVAW) <Daniel.Bubar@usdoj.gov>; Siegel, Joshua <jsiegel@cooley.com>; Michael Bloch <mbloch@kaplanhecker.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>; Padmanabhan, Kartic (OGC) (FBI) <KPADMANABHAN@fbi.gov>; Withers, Nancy (USAVAW) <Nancy.Withers@usdoj.gov>

Subject: Re: United the Right Rally and RAM Documents

That works for us, Sara. Let me know if you'd like us to circulate a call-in number. Thanks.

- David

On Feb 12, 2020, at 7:46 PM, Winn, Sara (USAVAW) <Sara.Winn@usdoj.gov> wrote:

[External]

Thank you David. I am available on Wed Feb.19 at 2:00 if that works for your schedule.

Sara Bugbee Winn

From: Mills, David <dmills@cooley.com>

Sent: Wednesday, February 12, 2020 5:37 PM

To: Withers, Nancy (USAVAW) <NWithers@usa.doj.gov>; Winn, Sara (USAVAW) <SWinn@usa.doj.gov>

Cc: Bubar, Daniel (USAVAW) <DBubar@usa.doj.gov>; Siegel, Joshua <jsiegel@cooley.com>; Michael Bloch <mbloch@kaplanhecker.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>;

Padmanabhan, Kartic (OGC) (FBI) <KPADMANABHAN@fbi.gov>

Subject: RE: United the Right Rally and RAM Documents

Thank you for reaching out, Nancy. I'm sorry to hear Sara is dealing with a family emergency and hope all is well. We would be happy to accommodate with an extension. Please let us know how much time is needed. Once Sara is back, we would like to discuss the RAM subpoena. Please let us know when that might be possible. Regards. – David

From: Withers, Nancy (USAVAW) <Nancy.Withers@usdoj.gov>

Sent: Wednesday, February 12, 2020 4:10 PM

To: Mills, David <dmills@cooley.com>; Winn, Sara (USAVAW) <Sara.Winn@usdoj.gov>

Cc: Bubar, Daniel (USAVAW) <Daniel.Bubar@usdoj.gov>; Siegel, Joshua <jsiegel@cooley.com>; Michael Bloch <mbloch@kaplanhecker.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>;

Padmanabhan, Kartic (OGC) (FBI) <KPADMANABHAN@fbi.gov>

Subject: RE: United the Right Rally and RAM Documents

[External]

Mr. Mills:

I am responding on behalf of Ms. Winn. The U.S. Attorney's Office is continuing to process your request under *Touhy* guidelines; however, we would like to request an extension from the original due date of February 17th, as we determine how long the process will take. Ms. Winn is currently out of town due to a family emergency. I have relayed your email to Sara and she will be happy to discuss the subpoena as soon as she returns to the office. Thank you.

Nancy Withers

Nancy Withers, Paralegal/Civil Division
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(540) 857-2970; Fax (540) 857-2614

From: Mills, David <dmills@cooley.com>
Sent: Wednesday, February 12, 2020 12:07 PM
To: Winn, Sara (USAVAW) <SWinn@usa.doj.gov>
Cc: Bubar, Daniel (USAVAW) <DBubar@usa.doj.gov>; Withers, Nancy (USAVAW) <NWithers@usa.doj.gov>; Siegel, Joshua <jsiegel@cooley.com>; Michael Bloch <mbloch@kaplanhecker.com>; Rottenborn, Ben <brottenborn@woodsrogers.com>
Subject: RE: United the Right Rally and RAM Documents

Sara – We would like to discuss the subpoena in advance of the Feb. 17 return date, if that works with your schedule. Michael Bloch is working with us on the RAM material, so I'd like to introduce him to you. Do you happen to have time this afternoon around 5pm, tomorrow at 10am or 4:30, or any time Friday? Please let us know, and thank you in advance for your time.

Regards. – David

David E. Mills

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From: Winn, Sara (USAVAW) <Sara.Winn@usdoj.gov>
Sent: Friday, January 17, 2020 3:20 PM
To: Mills, David <dmills@cooley.com>
Cc: Bubar, Daniel (USAVAW) <Daniel.Bubar@usdoj.gov>; Withers, Nancy (USAVAW) <Nancy.Withers@usdoj.gov>; Siegel, Joshua <jsiegel@cooley.com>
Subject: FW: United the Right Rally and RAM Documents

[External]

Hello David. Your subpoena and cover letter were forwarded to me. We will process your request under the *Touhy* regulations and get back to you on or before the Feb. 17, 2020 return date. In the meantime, please feel free to reach out with any questions or concerns.

Regards, Sara.

Sara Bugbee Winn
Assistant United States Attorney
Civil Division
540-857-2913

From: "Mills, David" <dmills@cooley.com>
Date: January 17, 2020 at 1:21:09 PM EST
To: "Kavanaugh, Christopher (USAVAW)" <CKavanaugh@usa.doj.gov>
Cc: "Siegel, Joshua" <jsiegel@cooley.com>
Subject: United the Right Rally and RAM Documents

Chris – It's been a while since we connected. I hope you had a good holiday. We continue to work through the documents produced by the City of Charlottesville in an effort to narrow the set of documents we need from the federal government concerning James Fields. We will follow up with Sarah Winn in the next week or two. Separately, our trial team is issuing the attached subpoena for documents concerning some of the RAM defendants. We are sending this out for service today, and I wanted to let you know as the RAM prosecution was your case.

If it would be helpful, I'd be happy to discuss either or both subpoenas, to narrow the scope, address timing or any other issues you see. I realize that this is likely to be handled by Sarah, and we will be happy to work with her on these issues. Please let me know if you think a call between us would be helpful, and when I might reach you next week.

All best. – David.

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